

COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
ONE WINTER STREET, BOSTON, MA 02108 617-292-5500

July 25, 2006

In the Matter of
The Villages at Goddard Highlands
Realty Trust

DEP Docket No. 2003-116
DEP File No. SE 298 575W054676
Stoughton

Final Decision

I adopt the Recommended Final Decision of the Presiding Officer, that a final wetlands permit should be issued for this project based upon the evidence presented. In fact, the issues were identified as if the work was required to meet the performance standards for work in bordering vegetated wetlands under 310 CMR 10.55. As this case involves alteration in the buffer zone and the discharge of stormwater in the buffer zone, the applicant must demonstrate that the work will contribute to the protection of the interests of the Wetlands Protection Act¹ and will comply with the Department's Stormwater Management Policy. 310 CMR 10.05(6)(b) and Policy, page 1-1 to 1-2 and 2-2 to 2-4. While not reducing or superceding other regulatory requirements, the Policy creates a presumption that projects meeting the nine Stormwater Management Standards

¹ The Recommended Decision identifies the standard for work in the buffer zone as requiring limits to ensure that the work does not destroy or otherwise impair the bordering vegetated wetland. Work in the buffer zone must contribute to the protection of the interests of the Act as required by 310 CMR 10.03(3), but need not necessarily meet the standard of "not destroy or otherwise impair" imposed under 310 CMR 10.55(4) for work in the resource area itself.

satisfy the regulatory requirements. Policy, page 1-4. Matter of Worcester School Department, Remand Decision, Docket No. 99-164, June 15, 2001.²

Because the stormwater management system is designed to meet the Standards, those at issue here principally involving control of the quantity of the discharge to prevent flooding, I agree with the conclusion of the Administrative Magistrate that the rate and volume of runoff will be sufficiently controlled. Finally, I accept with some reluctance the provision in the new special conditions that requires the Department to consider comments from the Petitioner related to the riser design and any proposal related to the reduction of water backup, on the theory that these features will benefit Ayers. While concerns of an abutter are an appropriate part of the permitting process, conditions under the Wetlands Protection Act are more properly focused on the protection of wetlands interests.

The parties to this proceeding are notified of their right to file a motion for reconsideration of this Decision, pursuant to 310 CMR 1.01 (14)(d). The motion must be filed with the Docket Clerk and served on all parties within seven business days of the postmark date of this Decision. Any party may appeal this Decision to the Superior Court pursuant to M.G.L. c. 30A, §14(1). The complaint must be filed in the Court within thirty days of receipt of this Decision.

This final document copy is being provided to you electronically by the Department of Environmental Protection. A signed copy of this document is on file at the DEP office listed on the letterhead.

Robert W. Golledge, Jr.
Commissioner

²The petitioner may show either that the project does not conform to the Standards, or notwithstanding conformity, the work will not protect the interests of the Act. Had the issues been framed for work in the buffer zone rather than work in a bordering vegetated wetland and focused squarely on compliance with the Standards, the case might have proceeded more quickly. Even those issues extended well beyond those articulated in the Notice of Claim.